THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.10020 of 2005

Date: 11th September, 2007

Between :-

Bharat Sanchar Nigam Limited,
Rep. by its Chief General Manager,
Telecom, A.P.Circle, Hyderabad and another .. Petitioners

And

The Assistant Provident Fund Commissioner &
Authority u/s.7A of EPF & MP Act, 1952,
Employees' Provident Fund Organisation
Sub-Regional Office, Bhavishyanidhi Bhawan,
3rd Lane, Krishna Nagar, Guntur and another .. Respondents

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Writ Petition No.10020 of 2005

ORDER:-

The Writ Petition is filed for a Writ of Mandamus declaring the order No.AP/40045/SRO/GNT/C-III/7A Order/2004/3964, dated 17-3-2005 issued by the 1st respondent under Section 7-A of the E.P.F.Act, 1952 and directing to pay an amount of Rs.3,99,541-15 under Section 7.A and Rs.1,25,907/- under Section 7.Q of the E.P.F.ACT, 1952, for the period from October 2000 to December 2003 is unjust and not in accordance with law and same may be set aside and further direct the respondents not to collect any amount under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 and to pass such other suitable orders.

Several factual details are narrated in paras 2 to 12 of the affidavit filed in support of the Writ Petition. Vacate application is filed to vacate the interim orders made in W.P.M.P.No.13005/2005 in the said Writ Petition. Several facts had been narrated in the counter affidavit filed. It is not in serious controversy between the parties that there is a remedy available to the petitioners by way of appeal.

In view of the same, liberty is given to the petitioners to avail the statutory remedy by way of appeal. This liberty is given to the petitioners to invoke the appeal remedy and to enable the petitioners to avail the appeal remedy, *status quo* as on today is hereby granted for a period of six weeks. The Writ Petition is disposed of accordingly. No order as to costs.

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Justice P.S.Narayana

11th September, 2007

smr